

The Gazette of India

EXTRAORDINARY PART II—Section 3 PUBLISHED BY AUTHORITY

No. 117] NEW DELHI, FRIDAY, MAY 21, 1954

MINISTRY OF REHABILITATION NOTIFICATION

New Delhi, the 21st May, 1954

S.R.O. 1673.—In exercise of the powers conferred by section 56 of the Administration of Evacuee Property Act, 1950 (XXXI of 1950), the Central Government hereby directs that the following amendments shall be made in the Administration of Evacuee Property (Central) Rules, 1950, namely:—

In the said Rules—

(a) in rule 5, for the words, figure, letters and brackets, “the proviso to section 2(e) (i) of the Act” the words, figures, letter and brackets “Explanation II to clause (d) of section 2” shall be substituted;

(b) For sub-rule (3) of rule 14 the following sub-rule shall be substituted, namely:—

“(3) The Custodian may cancel an allotment and evict the allottee if he is satisfied that—

- (i) the allottee has secured the allotment by misrepresentation or fraud; or
- (ii) the allottee is in possession of more than one evacuee property of the same kind, that is to say, more than one residential premises, more than one business premises or more than one industrial premises; or
- (iii) the allottee is in occupation or accommodation which, in the opinion of the Custodian, is in excess of the requirement of the allottee; or
- (iv) the allottee or any person, normally residing with him or dependent on him, has built a house or otherwise acquired residential accommodation; or
- (v) the allottee or any person, normally residing with him or dependent on him has been granted by the Government a plot of land for constructing a house thereon; or
- (vi) the allottee has obtained gainful employment in a place other than the place where the evacuee property allotted to him is situate:

Provided that no allotment shall be cancelled under this sub-rule if any house built by the allottee or by any person normally residing with him or dependent on him or any residential accommodation otherwise acquired by the allottee or any such person has been requisitioned by the Government:

Provided further that the Custodian shall not evict an allottee—

(a) If the allottee or a person normally residing with him or dependent on him has let out his house or other residential accommodation referred to in clause (iv), unless the allottee has been served with a notice for a period of not less than three months;

(b) if the allottee or a person normally residing with him or dependent on him has failed to construct a house on the plot of land allotted to him, unless the allottee has been served with a notice for a period of not less than six months."

(c) in rule 15,—

(i) in sub-rule (3) the words "the proviso to" shall be omitted;

(ii) for sub-rule (7), the following sub-rule shall be substituted, namely:—

"(7) On the date fixed, the Custodian shall hold a summary inquiry into the title of the applicant to the property shall dispose of the application in accordance with the provisions of sub-section (2A) of section 16."

(d) after rule 15, the following rules shall be inserted, namely:—

(i) 15A. *Procedure for making applications for grant of certificates under section 16.*—(1) An application for a certificate for restoration of evacuee property under sub-section (1) of section 16 shall not be entertained unless—

(a) where an order declaring the property to be evacuee property was made before the 21st May, 1954 (hereinafter referred to as the 'appointed date')—

(i) all appeals and revision applications permissible under the Act against such order have either become time barred on the appointed date or have been filed and disposed of before that date, and the application is made within sixty days of such date; or

(ii) where the period of limitation for filing such appeals or revision applications has not expired on the appointed date, such appeals and revision applications have been filed and the application is made within sixty days of the final order of the Custodian General in the case;

(b) where an order declaring the property to be evacuee property is made after the appointed date—

(i) all appeals and revision applications permissible under the Act against such order have been filed and the Custodian General has made a final order in the case; and

(ii) the application is made within sixty days of the final order of the Custodian General;

(c) where any proceedings for declaring the property to be evacuee property are pending on the appointed date and the application is made within sixty days of the final order of the Custodian General in the case.

(2) Notwithstanding anything contained in sub-rule (1), an application for a certificate for restoration of evacuee property under sub-section (1) of section 16 by an evacuee who migrated to West Pakistan from the State of Uttar Pradesh during the period between the 1st February 1950 and 31st May, 1950 and who is permitted to return to India for permanent resettlement, may be entertained if it is made within sixty days of the appointed date or of the date of the return of the evacuee to India, whichever is later.

(3) Nothing in this rule shall apply to an application for a certificate for restoration of evacuee property under sub-section (1) of section 16 which is pending on the appointed date.

(ii) 15B. *Classes of persons to whom certificates under section 16 may be granted.*—A certificate under section 16 may be granted to the following classes of persons, namely:—

(1) any person who, since the 1st day of March, 1947, has continued to reside in India and did not at any time migrate to Pakistan and whose property has been declared as evacuee property;

(2) (a) any person who, on or after the 1st March, 1947, migrated from India to Pakistan but returned to India before the 18th July, 1948, and has settled therein:

Provided that such person has not subsequently visited Pakistan except in the circumstances and subject to the conditions specified in clause (b), or clause (c).